



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

March 7, 2006

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor

111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Board of County Commissioners
Meeting Agenda**

March 7, 2006

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

| | |
|-------------------|-------------------|
| 5(I) | 8(P)(1)(I) |
| 8(Q)(1)(B) | 9(O)(1)(A) |
| 11(A)(10) | 11(A)(12) |
| 11(A)(15) | |

Additional information is provided for the following items:

| | |
|-------------------|------------------|
| 8(L)(1)(B) | 11(A)(5) |
| 11(A)(9) | 11(A)(18) |

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:

Mia Marin
Bia Marsellos
Jason T. Smith
Troy Wallace, J.D.
Timothy Rierra-Gomez, Senior Analyst

LEGISLATIVE ANALYSIS

ORDINANCE CREATING THE BISCAYNE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY.

Commissioner Sally A. Heyman

I. SUMMARY

This item creates a citizen board of commissioners to oversee the Biscayne Corridor Community Redevelopment Agency, and sets the qualifications, duties and powers of the board.

II. PRESENT SITUATION

On July 21, 1998 the Board of County Commissioners approved resolution R-609-05, declaring portions of Miami-Dade County, known as the Biscayne Corridor, as slum and blighted and found that there was a need to create a community redevelopment agency to oversee the redevelopment of this area. The area is bounded on the North by NE 112 Street, on the East by Biscayne Boulevard, on the South by NE 112 Street, and on the West by NE 12 Avenue.

III. POLICY CHANGE AND IMPLICATION

This ordinance creates a citizen-controlled board of commissioners for the 7th Avenue CRA, which replaces the Board of County Commissioners as the administering agency. According to this ordinance:

- The board shall comprise seven members who serve 4 year terms; three of the members first appointed will serve one, two, and three years, respectively.
- Commissioners will not be compensated but could be reimbursed for travel and other charges incurred while carrying out their official duties.
- All expenditures of the CRA must be approved by the Board of County Commissioners.

The Board of County Commissioners must adopt a separate resolution to appoint the commissioners of the CRA.

IV. ECONOMIC IMPACT

Community Redevelopment Agencies are financed by tax-increment proceeds.

V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

RESOLUTION AUTHORIZING THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO EMPLOY APPRAISERS AND OBTAIN REQUIRED ENVIRONMENTAL AUDITS FOR CONSTRUCTION OF THE MIAMI INTERMODAL CENTER (MIC)/EARLINGTON HEIGHTS CONNECTOR, A 2.6 MILE METRORAIL CORRIDOR LINKING THE MIC TO THE EARLINGTON HEIGHTS METRORAIL STATION LOCATED AT STATE ROAD (SR) 112 AND NW 22 AVENUE

Public Works Department

I. SUMMARY

This resolution seeks approval for the County Manager and the County Attorney to employ Appraisers and obtain required Environmental Audits associated with the MIC/Earlington Heights Metrorail Connector project.

II. PRESENT SITUATION

The MIC/Earlington Heights connector is a 2.6 mile Heavy Rail (Above Ground) corridor that will connect the current Metrorail to the Miami Intermodal Center, adjacent to Miami International Airport (MIA), and eventually to the East/West Transit Corridor. This corridor is expected to be completed in October 2009.

On May 11, 2004, the BCC approved multiple 'Blanket Contracts' for (MAI, ASA) certified property appraisers to perform appraisals on an as needed basis for Miami-Dade Transit.

In March 2005, the Board of County Commissioners approved a contract with URS Southern Corp. (URS) as project manager through Final Design and completion of construction of the project. This contract included development of the Final Environmental Impact Statement (FEIS), Inspection and Engineering Services, as well as Construction Management. The contract amount for these services was approximately \$17.9 million.

In May 2005, the Board of County Commissioners approved a Program Management Consultant (PMC) contract with Parsons, Brinkerhoff, Quade, & Douglas (PBQ&D) with a contract ceiling of \$44 million. (A list of the Sub Contractors associated with this contract is provided as **Attachment 1**)

III. POLICY CHANGE AND IMPLICATION

Contracting with companies to provide these services is consistent with county procedures.

March 7, 2006

IV. ECONOMIC IMPACT

Although an exact quantifiable impact is not available, any funding would come from the overall funding for this project.

The current estimate for this project is \$340 million.(30% FDOT / 70% Local PTP)

V. COMMENTS AND QUESTIONS

Although URS Corp. was contracted for Mostly Civil Engineering work, are there currently sub-contractors under the URS contract that should already be providing the services requested in this item?

Should the PMC (Parsons Brinkehoff) be providing any of the services listed in this item? (SEE Attachment)

Attachment 1

Superconsultant

Parsons, Brinkerhoff, Douglas, & Quade (Prime)

Sub-Contractors:

DMJM+Harris, Inc
Post, Buckley, Schuh & Jernigan, Inc.
Spillas Candela DMJM
EAC Consulting
A2 Group, Inc
AECOM Consult, Inc.
The Allen Group, LLC
All State Engineering & Testing Consultants, Inc.
Cardozo Engineering, Inc
Carmen Morris & Associates, inc.
HP Consultants, Inc.
Nodarse & Associates, Inc.
Phillips Consulting Group, Inc.
Triangle Associates, Inc.

LEGISLATIVE ANALYSIS

ITEM 8(Q)(1)(B) RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION IN EXECUTING CHANGE ORDER NO. 2 TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CENTEX CONSTRUCTION, LLC., TO INCREASE THE CONTRACT TIME.

Seaport Department

SUMMARY

This resolution ratifies the County Manager's administrative actions in executing Change Order No. 2 to the Agreement between Miami-Dade County and Centex Construction, LLC., ("Centex"). Change Order No. 2 pertains to an extension of time only.

PRESENT SITUATION

Pursuant to the Expedite Ordinance No. 00-104, a contract was awarded to Centex to construct the following projects at the Port of Miami:

- Marine and Mooring Improvements;
- Crane Electrification;
- Container Yard Improvements; and
- Lease Improvements to Cruise Terminal 7.

The contract sum for all of the above components including, contingency, permits and owner's allowances, IPSIG and IG fees, totaled \$42,441,278.

POLICY IMPLICATIONS

This resolution ratifies the County Manager's administrative actions made pursuant to Section 9.3 of the Miami-Dade County Code, not through expedite ordinance procedures.

ECONOMIC IMPACT

Centex will be compensated in the amount of \$626,844.00 due to non-contractor cause and compensable delay. However, Centex reserves the right to future claims of up to \$1 million detailed in Attachment 1 of Change Order No. 2.

COMMENTS AND QUESTIONS

- In the November 8, 2005 CEERC Meeting the Director of the Seaport presented an oral status report regarding the PSA with Centex noting that a change order extending the completion date for an additional 60 days was forthcoming;
- On November 11, 2005, the County Manager administratively executed Change Order No. 1 increasing the contract time 60 days to January 22, 2006;
- This Item ratifies Change Order No. 2 which extends the Contract an additional 60 days to March 22, 2006; (120 days extension to date)
- Additional change orders are forthcoming reducing the scope of the project.

LEGISLATIVE ANALYSIS

RESOLUTION APPROVING ADMINISTRATIVE ORDER 4-123 RELATED TO MIAMI-DADE COUNTY FIRE DEPARTMENT FIRE PREVENTION FEES.

Miami-Dade Fire Rescue Department

I. SUMMARY

This resolution would create Administrative Order 4-123, pertaining to the Miami-Dade Fire Department fire prevention fee schedule. This administrative order includes changes to the fire prevention fee schedule that were approved by the Board of County Commissioners as part of the FY 2003-04 budget ordinance.

II. PRESENT SITUATION

Currently fees are charged by the Fire Department for fire life safety inspections, plans review and the establishment of approved emergency vehicle zones. The current fee schedule includes assessments for temporary certificate of occupancy inspections, up front inspections, and inspections on new buildings and additions, among other things. Section 14-53 of the Miami-Dade County Code states that funds collected from these fees are to be used exclusively for fire prevention activities. Every year, the Miami-Dade Fire Chief is tasked with reviewing all fees and recommending any necessary changes to the County Manager.

Following the abolishment of the Miami-Dade Fire Board in 2002, the Board of County Commissioners approved changes to the fire prevention fee schedule as part of the FY 2003-04 budget ordinance. However, the revisions were not incorporated into the Administrative Orders governing the fee schedule.

III. POLICY CHANGE AND IMPLICATION

This administrative order supersedes previous administration orders 4-45 and 4-54 pertaining to the fire prevention fee, and includes the revisions adopted by the Board of County Commissioners as part of the 2003-04 budget ordinance.

IV. ECONOMIC IMPACT

This item does not adopt any new fees.

V. COMMENTS AND QUESTIONS

None

LEGISLATIVE ANALYSIS

RESOLUTION RELATING TO BINDING ARBITRATION DISPUTES FOR CSBE CLAIMS.

Commissioner Dennis C. Moss

I. SUMMARY

This resolution requires the County Manager to develop language to be included in all future prime contracts subject to the Certified Small Business Enterprises (CSBE) ordinance stipulating that all disputed billings from CSBE firms be submitted to final, binding arbitration for resolution.

- This item would apply to all future County and Public Health Trust contracts.

II. PRESENT SITUATION

The Community Small Business Enterprise program, as defined by Section 10-33.02 of the Code of Miami-Dade County, is a gender/race neutral program for firms that are defined as independent construction companies that meet the following criteria:

- Not exceeding 3 year average gross receipts of \$5 million for general building (NAICS 233/SIC 15), \$3 million for heavy construction contractors (NAICS 234/SIC 16), and \$2.5 million for specialty trade contractors (NAICS 235, SIC 17);
- Qualified by an owner with at least 10% of the firm's issued stock;
- Owned by person(s) whose combined Personal Net Worth does not exceed \$750,000.
- Located and performing a commercially useful function in Miami-Dade County.

To date, 333 businesses are certified as CSBEs. There are 1,393 construction projects that are open and are awarded to certified CSBE firms in Miami-Dade County.

Currently, when a billing dispute arises between a prime contractor and a sub contractor, the subcontractor goes through the claims consultant process administered by the Department of Business Development. The claims consultant, Broadlands Financial Group, LLC, helps prepare the CSBE to enter into negotiation with the prime contractor and, if the need arises, also provides legal representation for the CSBE.

The claims consultant process was developed per Resolution 119-06, which was sponsored by Commissioner Rolle. R-119-06 was intended to address the increasing number of disputed claims from CSBEs working on the North Terminal Development project at Miami-International Airport. Currently, 24 CSBEs have gone through the NTD Claims resolution process.

Broadlands Financial Group, LLC, has also begun to review and resolve outstanding CSBE claims from other construction projects around the county. The consultant has been hired under a two-year contract.

III. POLICY CHANGE AND IMPLICATION

All future County and Public Health Trust contracts which must adhere to the CSBE ordinance will specify that disputed billings from CSBE subcontractors shall be submitted to final, binding arbitration for resolution. Furthermore, if a dispute arises, the disputed amount will be placed in an escrow account pending final resolution of the arbitration.

The County Manager will report back to Board in 60 days with proposed language to be included in future CSBE contracts.

According to staff with the DBD, inclusion of this language to all future contracts could reduce the time that CSBE claims remain unresolved.

IV. ECONOMIC IMPACT

This item will not have a financial impact on the County.

V. COMMENTS AND QUESTIONS

What is the total number of outstanding CSBE claims?

A matrix detailing all of the outstanding disputed claims will be provided when this Item is before Board of County Commissioners.

LEGISLATIVE ANALYSIS

RESOLUTION DIRECTING THE COUNTY MANAGER TO INCLUDE IN THE COUNTY CONTRACTS ADDITIONAL PROVISIONS TO PROTECT PAYMENTS TO SUBCONTRACTORS AND MATERIAL SUPPLIERS

COMMISONER REBECA SOSA

I. SUMMARY

This is requesting the Manager to work with the County Attorneys office to include in County construction contracts additional provisions to protect subcontractors and material suppliers from non-payment by County contractors.

II. PRESENT SITUATION

Miami-Dade County's current policy for addressing prompt payment to subcontractors is delineated under Administrative Order 3-19 and Ordinance 94-40. All County Contract (and Public Health Trust contracts) shall contain provisions of Ordinance 94-40 that include:

- To provide for expedited payment to small businesses, black, Hispanic, women-owned business enterprises and disadvantaged business enterprises (CSBE)
- To provide interest payments on late payments made by the County and the Public Health Trust
- To create a dispute resolution process for payment of County and Public Health Trust obligations.
- Consequences such as suspension, termination and debarment for non-adherence the issuance of prompt payments

Numerous CSBE subcontractors have expressed concerns of the County contractor's failure to pay them for goods and services rendered even when these contractors themselves have been paid by the County. These CSBE concerns have been raised continuously to Commissioners in BCC meetings and in Small Business Workshops.

III. POLICY CHANGE AND IMPLICATION

Currently, there are three Commissioner sponsored items to deal with this growing concern that is affecting small business owners who rely on the payment stream for the work they perform.

The **first** resolution introduced by **Commissioner Jordan** specifically deals with CSBE's outstanding claims as a result of their participation in the construction of the North Terminal Development (NTD) at Miami International Airport (MIA), whether they are prime contractors, first, second, third or fourth tier subcontractors. This resolution directs

BCC ITEM 11(A)(12)

March 7, 2006

the Manager to develop a process for reviewing and resolving the CSBE claims to be submitted in 45 days. This resolution was approved in December 2005.

The **second** resolution was introduced by **Commissioner Moss** which seeks to find an alternative to the County's current dispute resolution element which is viewed as unsatisfactory. The resolution suggests that implementing a third party arbitrator should produce a more prompt resolution of disputed billings for payment to subcontractors. The resolution also requires the Manager to develop appropriate language requiring that all disputed billings shall be submitted to final, binding arbitration for resolution. Additionally, disputed billings will require depositing in escrow sums equal to the amount of disputed claim, to be disbursed in accordance with the decision of the arbitrator. The proposed language is to be submitted before the Board of County Commissioners within 60 days. This resolution was heard before the Community Empowerment & Economic Revitalization Committee on February 14, 2006 and awaiting final approval in March 2006.

The **third** resolution was introduced by **Commissioner Sosa** which requires the Manager in conjunction with the County Attorney's Office to include additional specifications to protect subcontractors from non-payment by County contractors that also include escrow retainage, the requirement and prosecution of expedient alternate dispute resolution processes as a condition of payment. This resolution requires the Manager to report before the Board of County Commissioners within 90 days his proposed policy recommendations. This item is to be heard before the Internal Management and Fiscal Responsibility Committee on February 16th 2006.

IV. ECONOMIC IMPACT

Economic impact cannot be determined at this time.

V. COMMENTS AND QUESTIONS

The County will have to verify each individual agreement to determine validity of claims, which could add to the existing lengthy process of dispute resolution.

There are different situations that give rise to non-payment; the Manager must also include how to address each one.

Please see the attached article regarding the subcontracting firms and their unpaid claims.

Posted on Wed, Feb. 15, 2006

MIAMI AIRPORT

Small firms left unpaid -- and angry

Small contractors were eager to get a piece of the massive North Terminal project at Miami International Airport. Now many of those firms are suffering because they haven't been paid.

BY TERE FIGUERAS NEGRETE AND STEVE HARRISON
sharrison@MiamiHerald.com

When Miami-Dade County aggressively recruited small firms to work on Miami International Airport's North Terminal, Fortuna Bichachi leaped at the chance for a piece of the project.

Four years later, Bichachi says her company is owed \$270,000 for structural work at MIA -- and the county is dragging its feet in paying the bills.

She and her husband, Moises, have had to take out a second mortgage on their Miami Beach home to pay for materials. They sold a company truck. They slashed staff from 30 to five.

"Our house was fully paid for, and now we are \$450,000 in debt," Fortuna Bichachi said.

The Bichachis are not alone in claiming Miami-Dade County has nearly crippled their businesses.

Their company, ELCI Construction Group, is one of more than 40 contractors who find themselves caught in the aftermath of a battle among Miami-Dade County, American Airlines and construction firm Turner Austin Airport Team over construction of the terminal. Since the county took control of the project from American and Turner Austin last summer, the bills have piled up. The 40-plus contractors -- many of them small firms -- claim to be owed \$151 million.

Eight firms have sued the county to collect.

"They pulled the carpet out from under us," said Ivonne Munne, owner of Miami-based Carivon Construction, who says she has taken out a second mortgage on her home to pay her bills.

CONSULTANT HIRED

The aviation department says it's working quickly to review claims, though admits the process has taken too long. It has hired a consultant -- cost: \$12 million over five years -- to help.

But so far, since last summer, it has paid \$806,829 in claims to one firm -- MCM Corp. of Miami.

MCM, which says it's owed about \$12 million, is one of eight firms that has sued the county.

The history of the massive North Terminal project goes back a decade.

The North Terminal is a massive extension and reconfiguration of four existing concourses. Miami-Dade commissioners in 1995 handed over the reins of the ambitious project to American Airlines, which would occupy the new terminal, under the assumption the private sector could do the job quicker and cheaper.

At that time, Miami-Dade encouraged small businesses to bid on the work, promising them a slice of a lucrative pie.

"There was this idea that we're going to share the wealth," said John Cospers, deputy director for the capital improvement program at MIA who has been on the job 13 months and inherited the project.

But that magnanimity had unintended and ironic consequences.

Projects divided among dozens of contractors and their subcontractors often made even simple endeavors difficult to orchestrate -- creating bottlenecks on projects that prolonged delays and beefed up costs. At one point, there were 39 different architects working on the project, Cospers said.

Last year, with anticipated costs spiraling toward the \$2 billion mark -- nearly double the original estimate -- the county took control of the project from American and the Turner Austin Airport Team. American Airlines agreed to pay \$105 million toward current and future claims.

New Aviation Director Jose Abreu, who has been at MIA for six months, said he has never seen a construction project so mangled. MIA hopes it can be finished in three years.

`DISASTER'

"The county has realized they have a complete disaster on their hands," said Scott Masson, executive vice president of Miami Lakes-based Lotspeich Co., which says it's owed \$5.5 million for drywall and other work. ``They have the money, and we are sitting here with file drawers filled with work orders and change orders."

While most assumed handing off the project to American would spare businesses from dealing with a bulky bureaucracy, many small companies say they are -- years later -- hopelessly entangled in red tape. The county's takeover of the project stalled payments, but some contractors said they also were paid late -- or not enough -- under Turner Austin.

If the county decides to pay a claim, the county's Regional Transportation Committee, then the Board of County Commissioners, must still approve any payment. That will add weeks to an already long process. The RTC will vote Thursday on claims for seven firms totaling \$1.4 million.

"I sympathize with everyone, especially the small-business owners," Cosper said. ``We are trying to help them first."

The county is taking its time and using consultant Alpha Construction and Engineering in part because it is worried about being fleeced by contractors grabbing for cash.

PAPERWORK

MIA is requiring contractors to submit detailed paperwork showing their time and expenses on each job. It has already rejected \$19 million in claims and turned away another \$6.2 million because firms didn't submit documentation.

"It's a very exhaustive process, and you need to make sure the taxpayers aren't placed in a position of jeopardy. You don't want to pay something that's not due," said Chris Mazzella, Miami-Dade's inspector general. ``I think the process is a sound one."

But Mazzella said the county also has an obligation to pay its debts in a timely manner: ``You've got to make sure things don't get bogged down in a bureaucratic maze."

Many contractors are angered by MIA's willingness to pay consultants.

WHY NOT US?

"Why are they paying them so much money?" asked Andres Solares, owner of masonry firm Talmac, whose eight claims total \$2.83 million. ``Why are they paying them and not us?"

Another problem is there are four so-called "third-tier" firms, such as ELCI and Talmac, that aren't a part of this claims process. Those contractors didn't have contracts directly with Turner Austin or American. They must wait until their employers get paid, and then haggle with the ``second-tier firms."

County Commissioner Barbara Jordan said the county erred in not setting up a system to deal with those firms. Jordan sponsored a resolution last month directing the county to settle claims only after contractors have promised to pay off smaller companies they have done business with as well.

The county would have to verify those agreements, which could add to the already hefty legwork and to the possibility of delays, but Jordan says it's only fair.

"We didn't know that these companies were going to be hung out to dry," she said.

LEGISLATIVE ANALYSIS

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ADOPT INTO LAW LEGISLATION THAT WILL PROVIDE ANNUAL DEDICATED FUNDING IN THE AMOUNT OF \$50 MILLION DOLLARS TO THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA)

Bruno A. Barreiro

I. SUMMARY

This Resolution urges the Florida Legislature to enact legislation that would provide a dedicated funding source, of “at least” \$50 million annually, to the South Florida Regional Transportation Authority (SFRTA).

II. PRESENT SITUATION

Currently, the SFRTA operates a commuter rail service from Magnolia Park, in Palm Beach County, to Miami International Airport in Miami-Dade County. There are 18 stops along the route.

The SFRTA is in the final phase of completing construction on a “Double Tracking” project that would allow for 20 minute service in both North and Southbound routes. In FY 2005-2006, the SFRTA received its final installment of an over \$100 million grant from the Federal Government for this project.

The SFRTA has been lobbying for a dedicated funding source for future expansion of the line North to Jupiter and along multiple routes into Miami-Dade County.

Some of the future routes being discussed are:

- Central Broward East-West Transit
- Dolphin Expressway Extension
- Florida East Coast Railroad Corridor
- Jupiter Extension
- Kendall Extension
- Scripps Extension

The SFRTA has been in negotiations with the Florida East Coast Railroad to discuss use of the right-of-way along an 80 mile portion of the railroads current line that runs along the eastern most portions of Palm Beach, Broward, and Miami-Dade Counties. Some estimates for the land purchase alone of this corridor are in the area of \$1 billion.

The legislation that created the SFRTA outlined certain funding requirements of the three (3) counties represented by the SFRTA (Miami-Dade, Broward, and Palm Beach).

These requirements were sought to help cover the annual deficit incurred by the SFRTA.

BCC ITEM 11(A)15

March 7, 2006

These funding amounts were broken into two parts:

- Capital Funding - \$2.67 million per county.
- Operating Subsidy – “no less than” \$1,565,000 per county.

Below is a chart outlining Miami-Dade County’s recent contributions to the SFRTA:

| Fiscal Year | Operating Subsidy | Capital Contribution | Total Contribution from County | Amount Over State Requirement |
|----------------|-------------------|----------------------|--------------------------------|-------------------------------|
| 2003-2004 | \$1,980,000 | \$2,670,000 | \$4,650,000 | \$415,000 |
| 2004-2005 | \$2,206,333 | \$2,670,000 | \$4,876,333 | \$641,333 |
| *2005-2006 | \$2,273,000 | \$2,670,000 | \$4,943,000 | \$699,000 |
| Totals to Date | | | \$14,469,333 | \$1,755,748 |
| **2006-2007 | \$4,159,000 | \$2,670,000 | \$6,829,000 | \$2,594,000 |

* Proposed in MDC Budget

** Proposed in SFRTA Budget

In recent years, the legislature has rebuked other attempts to establish a dedicated funding source for the SFRTA. One of the most recent ideas was a \$2.00 fee assessed on a vehicle license tag registration or renewal.

However, the fees could only be implemented through a vote of each County’s Commission.

The legislature has indicated, in the past, that legislation would not move forward with the \$2 fee.

Instead the legislators are discussed utilizing Local Option Gas Tax (LOGT) funds from each County to fund the Authority’s projects. **(This would affect the financing of our Peoples Transportation Plan (PTP)).**

III. POLICY CHANGE AND IMPLICATION

Without a dedicated funding source, the SFRTA would not be able to compete for Federal Matching Grants offered for expansion of transportation services.

Concerns, however, have been raised that providing this funding source would enable the SFRTA to compete against each individual county for sought after Federal ‘New Starts Funding’.

IV. ECONOMIC IMPACT

This urging alone would not have a direct fiscal impact on Miami-Dade County.

Conceivably, if the SFRTA did receive a dedicated funding source, the Authority would not need the annual subsidies currently required of the three counties.

V. COMMENTS AND QUESTIONS

Some of the future routes proposed by the SFRTA, in Miami-Dade County, could replace routes identified in the PTP. This could alleviate the need for the County to fund and manage the construction.

However, requests for funding of these routes could compete directly with the County's federal requests for other projects listed in the PTP.

Attachment 1 : November 2004 article related to increased tag fee.

Attachment 2: February 2006 article related to Federal Funding for South Florida projects.

Attachment 1

Sun Sentinel

Higher tag fee may improve commuting

November 7, 2004

Would you be willing to pay up to \$5 more when you renew your license tags to help commuters one day zip down Glades Road or Okeechobee Boulevard in an express bus or take Tri-Rail north to Jupiter?

County commissioners from Palm Beach, Broward and Miami-Dade counties are planning to make the tag fee one of their legislative priorities for the 2005 session.

They want to ask legislators to approve a \$2 to \$5 license tag fee that would be used to raise matching money to secure federal funding for regional transportation projects in South Florida.

A \$2 fee, for example, would raise about \$8 million that would net about \$56 million a year in federal money, county officials say. A \$5 fee could raise up to \$20 million to pay not only for transit improvements but also cover the three counties' annual cost to operate Tri-Rail.

The three counties' annual share of those costs is expected to rise to \$12 million when Tri-Rail doubles the number of weekday trains and provides service every 20 minutes at rush hour.

A dedicated source of local funding is necessary to qualify for huge federal grants necessary to pay for a \$7.4 billion expansion plan to expand bus and commuter rail service in the three counties.

The South Florida Regional Transportation Authority already has said no to the idea of a tag fee, but might be willing to revisit its decision in light of the decision of the three county commissions.

Interestingly, it was the three county commissions that balked at asking the Legislature for the tag fee earlier this year when the RTA's board of directors toyed with the idea.

Local officials had wanted the tag fee when the RTA was created in 2003, but the anti-tax Legislature forced them to fund the RTA from existing revenue.

Copyright © 2004, [*South Florida Sun-Sentinel*](#)

Attachment 2

Sun Sentinel

S. Florida gets little as Bush cuts domestic programs, boosts military spending

Feb. 7, 2006

WASHINGTON · While seeking a substantial \$233 million for the Everglades, President Bush proposed an austere budget on Monday that would provide relatively little money for South Florida projects while urging Congress to scale back Medicare and a host of other domestic programs.

The \$2.77 trillion budget calls for cutting or eliminating 141 federal programs -- an attempt to control spending and cut the deficit in half.

The budget, in effect the president's wish list, reflects Bush's priorities by proposing a big boost for defense and national security spending. Noticeably absent this year is the usual long list of earmarked local projects in Florida and other states.

No funds were proposed for Tri-Rail this year, and future funding will be hard to get, predicted John Cline, Tri-Rail's lobbyist. The budget boosts light rail projects in Fort Lauderdale and Miami, but contains virtually nothing for Palm Beach County.

"The president is primed to tighten up the budget, obviously," said U.S. Rep. Clay Shaw, R-Fort Lauderdale. "A lot of the little pet projects are going to have to wait or fall by the wayside."

Congress could ignore the president's requests, but a mood of fiscal restraint has settled into the Capitol. "If we are serious about getting rid of earmarks, we may have to go through a few dry years to get our budget back in balance," Shaw said.

Proposed changes to Medicare could affect more Floridians than any other part of the budget. Health care providers protested Bush's call to cut back on increases they would receive from Medicare and the federal-state Medicaid program.

Bush proposed reducing Medicare spending by \$36 billion over five years, mostly by trimming reimbursements to hospitals, home-health agencies and nursing homes. That's less than 1 percent of projected spending, but South Florida experts fear such a change would strain an already burdened system.

"Many hospices are going under because they don't get enough reimbursement, and there's a growing need for hospices," said Jaime Estremera-Fitzgerald, chief operating officer for the Area Agency on Aging Palm Beach/Treasure Coast. "Cuts would reduce beds and put more elders on a waiting list. This is going to tighten the belt so much more it is going to hurt our elders."

Area veterans also bristled about the president's proposal to charge higher medical fees from higher-income veterans without service-related injuries. The Veterans Administration's \$8 prescription drug co-payment would jump to \$15, and patients

BCC ITEM 11(A)15

March 7, 2006

would have to pay a \$250-per-year enrollment fee for VA care.

"That's a little exorbitant," said veteran Ray Croul of Boca Raton. "I only go there once or twice a year. If they were going to charge \$250, it wouldn't be worth it for what I get. I certainly couldn't afford to go."

Everglades restoration fared well amid the budget gloom.

The massive re-plumbing project in a politically vital state -- which has become a national symbol of environmental preservation -- would get \$233 million in the fiscal year that starts in October, about \$12 million more than Congress approved for this year.

That includes \$48 million for a "modified water delivery project" to allow more water to flow under Tamiami Trail to nurture Everglades National Park.

"I'm pretty optimistic," said April Gromnicki, assistant director of government relations for Audubon in Washington, who formerly headed its Florida office. "The recent past tells us Congress will defer to the president's recommendations on the Everglades. It's a lot of construction funding. Everybody is going to have to make the case on Capitol Hill and bring the funding home."

Other winners in the budget were rail projects in South Florida: \$1 million for a Fort Lauderdale downtown rail link, \$2 million for a Miami streetcar project and \$10 million for extension of Miami-Dade County's Metrorail.

Tri-Rail, a perennial item in past budgets, already has received its federal share of more than \$100 million for a double-tracking project designed to create more frequent and reliable commuter-train service, said lobbyist Cline.

That work is expected to be completed in the spring of 2007.

Federal help for future projects, such as a Jupiter extension, will be harder to obtain because Uncle Sam now insists that transit systems come with a dedicated source of local funding, such as a sales tax.

"They've gotten burned in other cities where financing was insufficient at the end of the day. They are very cautious now," Cline said. "It's a bad combination of insufficient revenue at the federal level and very high demand from all parts of the country."

Staff Writer Bob LaMendola contributed to this report.

William E. Gibson can be reached at wgibson@sun-sentinel.com or 202-824-8256 in Washington.

Copyright © 2006, [South Florida Sun-Sentinel](#)

ADDITIONAL INFORMATION

| <u>Item#</u> | <u>Subject Matter</u> | <u>Comments/Questions</u> |
|--------------|---|---|
| 8(L)(1)(B) | Amendments to Administrative Order 3-15 pertaining to Community Based Organizations (CBO) Contracts | <ul style="list-style-type: none"> • Administrative Order 3-15 establishes operating methods and administrative policies for Community Based Organizations (CBO) • The Manager was directed by resolution (R-1052-05) to include financial control procedures for CBO's, non-profit organizations and other organization that provide community services. • The minimum financial control procedures include: requirement of the signature of two persons within the organization on all checks disbursing organizational funds, the monitoring department to conduct periodic management evaluations/performance reviews of the recipient use of county funding for contract awards of \$10,000 or more, the monitoring department <u>may</u> conduct random audits on contract awards under \$10,000. • The additional amendments to this AO incorporates language relating to minimum contractual requirements that involve the development of contract documents to be determined by the department and in conjunction with the County Attorney's Office to include: <u>specific program goals and objectives, insurance requirements by Risk Management GSA, all required County affidavits, assurances that organization abide by the generally accepted financial management principles (i.e. two person signature on all checks), provisions of management evaluations and performance reviews, and fund disbursement procedures based on County approved rules and</u> |

| | | |
|-----------|---|--|
| | | <u>procedures.</u> |
| 11(A)(5) | Resolution opposing the sale of the Atari video game: "Getting Up: Contents Under Pressure" | <ul style="list-style-type: none"> • Team Metro currently has four (4) painters assigned to cover graffiti vandalism in Miami-Dade County. • Between FY 2003 and FY2005, there has been an annual average of 2,475 cases of graffiti vandalism opened by Team Metro in Miami-Dade County. (Attachment 1: <i>Team Metro has provided the Open & Closed Cases from FY 2003-present.</i>) • Attachment 2: <i>Urban Scrawl: With His Graffiti- Themed Video Game, Clothing Designer Marc Ecko Tags a New Label</i> (Washington Post, February 13, 2006) • Attachment 3: Graffiti Facts provided by Team Metro's site on miamidade.gov. |
| 11(A)(9) | Rescue Unit at the Port | <ul style="list-style-type: none"> • Miami-Dade Fire Rescue (MDFR) Stations are staffed and equipped to handle medical scenarios, however, many times transport is also necessary and not all stations have a MDFR unit; • Nearest MDFR unit to provide transport for the Seaport is in North Bay Village or Station #2 located at 6460 NW 27th Avenue; • FY05-06 of the 193 total calls made, 33 needed to be transported; • FY04-05 of the 470 total calls made, 104 needed to be transported. |
| 11(A)(18) | Revisiting Policy toward Haitian migrants who flee Haiti seeking political asylum | <ul style="list-style-type: none"> • Urging President Bush, U.S Senate and U.S House of Representatives to revisit policy toward Haitian immigrants who flee Haiti seeking political asylum in the U.S. |

| | | |
|--|--|--|
| | | <ul style="list-style-type: none"> • Per executive order dating back to late 1970, Coast Guard Officials are not encouraged or elicit asylum claims when they come across migrants at sea, regardless of their origin. • Coast Guard officials only call on an asylum officer if migrants meet a criteria referred to as the “shout test” where the migrants aggressively insist they fear for their lives, showing proof of persecution (scarred skin or documented abuse). • In 2005, there were 1,850 Haitians interdicted at sea, nine (9) were granted preliminary interviews and only one (1) is known to have received refugee status. • Supporters of the current policy maintain that inviting asylum claims at sea would encourage more migrants to risk a potentially deadly crossing. • <i>See attachment</i> |
|--|--|--|

**Team Metro Graffiti Painter Cases
Opened and Closed From
October 1, 2002 to December 31, 2005**

| Office Name | Office Address | Number of Cases Opened In FY 02-03 | Number of Cases Closed In FY 02-03 | Number of Cases Opened In FY 03-04 | Number of Cases Closed In FY 03-04 | Number of Cases Opened In FY 04-05 | Number of Cases Closed In FY 04-05 | Number of Cases Opened In 1st Quarter of FY 05-06 | Number of Cases Closed In 1st Quarter of FY 05-06 |
|------------------|---|---|---|---|---|---|---|---|---|
| Kendall Office * | 11609 SW 88 Street Miami, FL 33183 | 19 | 20 | 9 | 2 | 384 | 353 | 52 | 80 |
| | 2525 NW 62 Street, Suite 1200 Miami, FL 33147 | | | | | | | | |
| Melrose Office | (temporary location) | 0 | 0 | 0 | 1 | 3 | 3 | 0 | 0 |
| | 1658 NE Miami Gardens Drive Miami, FL 33179 | 32 | 36 | 18 | 19 | 51 | 49 | 13 | 12 |
| | 2525 NW 62 Street, Suite 1200 Miami, FL 33147 | 1 | 1 | 0 | 0 | 4 | 3 | 3 | 2 |
| | 7630 NW 186 Street | | | | | | | | |
| Northwest Office | Miami, FL 33015 | 0 | 0 | 3 | 7 | 39 | 32 | 4 | 3 |
| | 20505 South Dixie Highway Suite 1623 | | | | | | | | |
| South Office * | Miami, FL 33189 | 525 | 534 | 461 | 460 | 412 | 369 | 56 | 51 |
| | 1409 SW 107 Avenue | | | | | | | | |
| Tamiami Office * | Miami, FL 33174 | 1028 | 1018 | 1049 | 968 | 479 | 460 | 131 | 136 |
| | 3800 SW 137 Avenue | | | | | | | | |
| West Office * | Miami, FL 33175 | 835 | 872 | 844 | 841 | 647 | 642 | 60 | 55 |
| TOTALS | | 2440 | 2481 | 2384 | 2298 | 2019 | 1911 | 319 | 339 |

* Office houses a painter



[Using Our Site](#)
[Contact Us](#)
[Privacy Statement](#)

Team Metro - Home

Resident Visitor Business Employee Government

Online Services

[Request a Service Online](#)
[Send Us a Comment](#)

News and Events

› [Community Education](#)
 › [Citizen's Academy](#)
 › [Pride Week](#)

[Government on the Go Bus](#)
[News Releases](#)
[Community Councils](#)

Services at Our Office

[Baby Stroller Permits](#)
[Bike Permits](#)
[Passports](#)
[Dog License Tags](#)
[Transit Passes / Tokens](#)

Neighborhood Standards

[Code Compliance](#)
[Commercial Property Rules](#)
[Graffiti](#)

Graffiti Facts

Miami-Dade Answer Center **311**

Miami-Dade Police Non-Emergency **595-6263**

Crime Stoppers **471-TIPS**

› [What is graffiti vandalism?](#)

› [What effect does graffiti have on your neighborhood?](#)
 › [Are all styles of graffiti illegal and what is the punishment for graffiti vandalism?](#)
 › [How can I prevent graffiti from taking over my neighborhood?](#)
 [How do I report graffiti on signs, buildings, concrete poles, fences, walls, or](#)
 › [other items in my neighborhood?](#)

› [Are there rewards given for information that leads to the apprehension of a graffiti offender?](#)
 › [What should I do if I witness someone in the act of defacing property with graffiti?](#)
 › [How can I protect my property from graffiti?](#)
 › [What vines or plants can I plant to prevent my property from being a target for graffiti?](#)
 › [How can I volunteer for graffiti paint-outs to help keep my neighborhood graffiti free?](#)
 › [What is my responsibility as a homeowner?](#)
 › [Are businesses required to maintain their property graffiti free?](#)
 › [What are other responsibilities of business owners?](#)

▲[TOP](#)

What is graffiti vandalism?

Graffiti vandalism is a form of expression that includes symbols, nicknames, or pictures painted on walls, fences, or signs. The graffiti is drawn without the permission of the property owner and is used by the vandal as a means of gaining recognition.

▲[TOP](#)

What effect does graffiti have on your neighborhood?

Graffiti decreases property value and is a visible lack of respect toward other people's property. Graffiti attracts more graffiti, as well as criminal element.

▲[TOP](#)

Are all styles of graffiti illegal? What is the punishment for graffiti?

Yes, all graffiti is illegal in Miami-Dade County. If convicted, the vandal will be fined, may face jail time, may have to pay restitution, and will have to complete community service hours. Parents of offenders may be liable for damages.

▲[TOP](#)

How can I prevent graffiti from taking over my neighborhood?

The best way to deter graffiti is to eliminate it as soon as it appears. You can also help fight graffiti by becoming involved in your neighborhood crime watch and reporting graffiti to your local police.

▲[TOP](#)

How do I report graffiti on signs, buildings, concrete poles, fences, walls, or other items in my neighborhood?

To report graffiti in your neighborhood, please call the Miami-Dade Answer Center at (305)468-5900; they will contact your neighborhood Team Metro office so that an inspector can issue a warning notice to the property owner. If your property has been vandalized with graffiti, call the Miami-Dade County Police Department's non-emergency phone number at (305)476-5423(4-POLICE) to report the incident.

Contact Us

Miami-Dade 3-1-1
 305-468-5900
 or 3-1-1

[County Services](#)
[Search by Address](#)

[Send Us a Comment](#)

[Office Locations](#)

[More>>](#)

Resources

[Frequently Asked Questions](#)

[Guide to Services](#)

[⬆️TOP](#)**Are there rewards given for information that leads to the apprehension of a graffiti offender?**

Tipsters whose information leads to the arrest of graffiti vandals may be eligible for a reward. The public can call Crime Stoppers at (305)471-TIPS (8477) to provide an anonymous tip.

[⬆️TOP](#)**What should I do if I witness someone in the act of defacing property with graffiti?**

For your own personal safety, do not approach the graffiti vandal. Simply call the Miami-Dade Police Department's non-emergency number, (305)476-5423(4-POLICE), to report the incident. In addition, you can also call the Crime Stoppers at 471-TIPS(8477).

[⬆️TOP](#)**How can I protect my property from graffiti?**

The best way to prevent graffiti is to plant vines or shrubs on the wall or structure that permanently covers it, as well as beautifies the area. Other alternatives are to use surface coatings, graffiti removal products, or simply paint over the graffiti.

[⬆️TOP](#)**What vines or plants can I use to prevent my property from being a target for graffiti?**

Pumila, Bougainvillaea Flowers, Thunbergai, Stephanotis and Allemande grow rather quickly and adhere to wall and fences. Covered surfaces prevent the graffiti vandal's access to the wall or fence.

[⬆️TOP](#)**How can I volunteer for graffiti paint-outs to help keep my neighborhood graffiti free?**

To volunteer for a graffiti paint-out, please call the Miami-Dade Answer Center at (305)468-5900. They will direct you to your area Team Metro regional office, which will assist in organizing your event.

[⬆️TOP](#)**What is my responsibility as a homeowner?**

As a property owner, you are responsible for maintaining your property graffiti free. Failure to do so will result in the issuance of a 14-day warning notice and a \$50 fine if the graffiti is not removed.

[⬆️TOP](#)**Are businesses required to maintain their property graffiti free?**

Business owners are also required to maintain their property graffiti free. A two-day warning notice requesting removal is issued when graffiti is observed on commercial property. Failure to remove the graffiti will result in a \$250 ticket.

[⬆️TOP](#)**What are other responsibilities of business owners?**

Business owners that sell spray paint or wide-tip markers, must display signs advising the public that graffiti vandalism is a crime, as well as another sign stating that it is illegal to sell spray paint or wide-tip markers to minors. Failure to display the signs results in the issuance of an immediate \$100 ticket. In addition, businesses are also required to stock spray paint in the direct eyesight of the cashier or in a locked display. Failure to abide by these rules will result in the issuance of a \$100 ticket for a first offense and a \$200 ticket for subsequent offenses.



If you cannot view PDF files, you can download [Acrobat Reader](#) for free from Adobe Systems, Inc. In order to use PDF files, you must have Acrobat installed on your computer.

Date Last Edited : Mon Feb 27 09:55:56 2006

[Team Metro - Home](#) | [Request a Service Online](#) | [Community Education](#) | [Passports](#) | [Send a Comment](#) | [Government On the Go Bus](#) | [Pet Tags](#) | [Bike Permits](#) | [Baby Stroller Permits](#) | [Transit Passes/Tokens](#) | [Code Compliance](#) | [Graffiti Busters](#) | [Commercial Property Rules](#) | [Office Locations](#) | [Contact Us](#)

[Home](#) | [Using Our Site](#) | [About](#) | [Phone Directory](#) | [Privacy](#) | [Disclaimer](#)

E-mail your comments, questions and suggestions to [Webmaster](#)

Web Site
© 2006 Miami-Dade County.
All rights reserved.

Attachment for Item 11(A)(18)



http://www.sun-sentinel.com/news/local/southflorida/sfl-chaiti19jan19_0_7420849.story?coll=sfla-home-headlines

Coast Guard told not to encourage asylum claims by Haitian migrants

By Ruth Morris

January 19, 2006

Hiding in a storage closet in the belly of a boat from Haiti, Deliste Joseph didn't have enough room to lie down, so he stood or sat for 11 days, lurching toward South Florida.

But Joseph, 23, might count himself among a lucky few, immigration lawyers say. By reaching U.S. soil in May 2004, at least he was able to apply for political asylum and to argue his case, which is pending before an immigration judge.

If the Coast Guard had caught him at sea, the overwhelming chances are he would have been returned to Haiti without any such hearing.

That difference is making immigrant advocates increasingly angry, particularly with national elections expected in Haiti in early February. The vote could bring more bloodshed, impelling more Haitians to leave.

In the most recent wave of political instability, the Coast Guard intercepted 3,229 Haitians in fiscal 2004, when an armed revolt forced the ouster of President Jean-Bertrand Aristide. The Coast Guard and immigration enforcement agencies have bolstered their vigilance in recent years with cutters and surveillance planes and only a trickle of Haitians get through.

A key part of the problem, advocates say, is that Coast Guard officials are instructed in a longstanding executive order not to encourage or elicit asylum claims when they come across migrants at sea. Nor can Coast Guard officials initiate interviews that might determine whether a Haitian has a claim to refugee status in the United States. Almost all Haitians interdicted at sea are returned immediately to their volatile homeland.

The policy prompted Marleine Bastien, vice chairwoman of Miami's Haitian-American Grassroots Coalition, to file an affidavit two months ago with the Organization of American States, a diplomatic body that has promoted democracy in Haiti.

She said Coast Guard officials genuinely are concerned for Haitians' well being.

"Safety is their primary role but their hands are tied," she said. "They are given orders they have to follow."

Coast Guard Commander Peter Brown confirmed last week that under a policy that dates to the late 1970s, his agency does not ask boat migrants if they need protection, regardless of their country of origin.

He said, though, that Coast Guard officials call on an asylum officer if migrants aggressively insist they fear for their lives, a standard that rights advocates refer to as the "shout test." It usually involves showing proof of persecution, such as scarred skin, or documentation of abuse.

"We don't actively elicit asylum claims from migrants of any nationality, but if those kinds of statements or fears are manifested, the Coast Guard is directed and will assure that migrant has an opportunity to communicate to an asylum pre-screening officer," he said.

Cheryl Little, of the Florida Immigrant Advocacy Center, said the situation was compounded by the fact that Coast Guard cutters patrolling the waters between Haiti and Florida usually do not carry asylum officers.

This leaves Coast Guard officials, many of whom do not speak Creole, to decide unaided whether Haitian boat migrants can talk to an asylum prescreening official, by phone or radio, to plead their case.

Brown acknowledged asylum experts were rarely on board cutters that intercept Haitians, but he said the cutter patrolling closest to Haiti carried a Creole-speaking officer.

Immigrant advocates point to statistics to support their claim that authorities aren't properly screening Haitians. Of the 1,850 Haitians interdicted at sea in fiscal 2005, only nine were granted preliminary interviews to see if they had a legitimate fear of returning to their homeland, according to figures supplied to Rep. Kendrick Meek, D-Miami.

Of those nine, only one is known to have received refugee status.

Supporters of the current policy, meanwhile, say that inviting asylum claims at sea would encourage more migrants to risk a potentially deadly crossing.

"The message that would send is tantamount to a clarion call to this dangerous migration," said John Keeley, spokesman for the Center for Immigration Studies, a Washington, D.C.-based think tank in favor of tighter immigration policies. "The good men and women of the Coast Guard have enough on their plate."

Joseph's lawyer, Andre Pierre, said his client, with no scars and no documents, surely would have failed the shout test if he had been caught at sea. He thinks Joseph's case is typical of many Haitians who are turned back.

Joseph is asking for political asylum based on claims that political opponents murdered his father, Deika, who was a member of Aristide's Lavalas movement. After the slaying Joseph learned from neighbors that armed thugs were circulating his picture and trying to track him down. He went into hiding and was wearing the same clothes when he arrived in Fort Lauderdale. His pockets were empty.

Today, he lives near Fort Myers and is looking for work laying carpet.

"If he had been interdicted at sea, he would have been sent back to Haiti immediately and probably he would have been killed by the same people who killed

his father," Pierre said. "You know what the statistics don't tell you?" he said, and answered, "How many [repatriated migrants] were found later, on the streets, dead. We don't have that number."